

## EQUALITY IMPACT ASSESSMENT RECORD

<b>Title of policy/ practice/ strategy/ legislation etc.</b>	<b>National Approach to Anti bullying for Scotland's Children and Young People</b>	
<b>Minister</b>	<b>Jan 2014 - Dr Allan, Minister for Learning, Science and Scotland's Languages</b> <b>Sept 2016 – Mr Swinney, Deputy First Minister and Cabinet Secretary for Education and Skills</b>  <b>This EQIA was established at the beginning of the process and has been updated to reflect changes throughout its development.</b>	
<b>Lead official</b>	<b>Carolyn Wales</b>	
<b>Officials involved in the EQIA</b>	<b>name</b>	<b>team</b>
	<b>Phil Alcock</b>	<b>Health and Wellbeing Team</b>
	<b>Laura Farquhar</b>	
	<b>Maggie Fallon</b>	<b>Education Scotland</b>
<b>Directorate: Division: Team</b>	<b>Learning Directorate Support and Wellbeing Unit</b>	
<b>Is this new policy or revision to an existing policy?</b>	<b>Revision of the existing policy guidance</b> <b>“A National Approach to Anti-bullying for Scotland's Children and Young People”</b>	

### ***Policy Aim***

We want every child and young person in Scotland to grow up free from bullying and we want them to develop mutually respectful, responsible and confident relationships with other children, young people and adults.

The overarching aim of the existing '*National Approach to anti-bullying for Scotland's Children and Young People*' will remain the common foundation of the new Approach: **to ensure that work across all agencies and communities is consistently and coherently contributing to a holistic approach to anti-bullying in Scotland.**

The policy will be reviewed, refreshed and developed to ensure that Children's Rights, Children and Young People (Scotland) Act 2014, the Equality Act 2010, along with policy developments around relationships and behaviour, Relationships, sexual health and Parenthood education, together with findings from the *respectme* research and Behaviour in Scottish Schools Research 2012 (BiSSR), are incorporated into a refreshed National Approach.

A working group will review, refresh develop and deliver guidance on anti-bullying. As part of its work the group will also consider and recommend the best approaches. The working group brings together expertise and knowledge to inform and drive forward refreshed and clearer guidance around anti bullying in Scotland.

Once the draft guidance has been finalised by the working group, an informal consultation process will follow. It was hoped initially that the revised guidance would be published towards the end of 2015/beginning of 2016.

This guidance will contribute towards the following National Outcomes:

- Our children have the best start <sup>1</sup>in life and are ready to succeed
- Our young people are successful learners, confident individuals, effective contributors and responsible citizens (the four capacities)
- We have improved the life chances for children, young people and families at risk
- We have tackled the significant inequalities in Scottish society

The working group established is made up of experts from a number of organisations that have experience of working in this area including: Education Scotland, Convention of Scottish Local Authorities (COSLA), Association of Directors of Education in Scotland (ADES), Police Scotland, Childline, Children and Young People's Commissioner Scotland (CYPCS), Youthlink Scotland, Centre for Excellence for Looked After Children in Scotland (CELCIS), ENABLE Scotland, Police Scotland, SportScotland, LGBT Youth Scotland, Stonewall Scotland and *respectme*, Scotland's anti bullying service. Officials from across relevant government departments also contributed.

The guidance will also strengthens messages on:

- Prejudice-based bullying;
- online/offline bullying;
- labelling;
- impact and outcomes of bullying;
- when it is not bullying (ranging from playground fallouts to hate crime).

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<sup>1</sup> Please note the National Outcomes were updated in in March 2018

## **Consultations:**

The consultation guidance states: "*The consultation exercise must be appropriate for the type of policy and meet the needs of your target audience – it might not be paper based. You might hold seminars or workshops where points made by participants are written up as a report, you could make a DVD and circulate it with a questionnaire*".

As this was a refresh of existing guidance no full public consultation was required. As part of the refresh of the *National Approach*, a Young Expert Group (YEG) was created to direct the programme of work around the **children and young people's consultation** process. The previous Minister for Learning met with the YEG in January 2016.

A **Parental Focus Group** was held in January 2016 to gather the views of parents and carers and a questionnaire was disseminated.

In addition, **three practitioner events** attended by senior local authority officials, educational establishment representatives and other organisations took place.

In addition, the working group has also considered the findings from the Equality and Human Rights Commission (EHRC) report *Prejudice-based bullying in Scottish schools: A research report* which was carried out by LGBT Youth Scotland and *respectme*. The recommendations were considered by the working group and incorporated into the guidance where appropriate.

Officials from across relevant government departments including the Equality Unit, and the Getting it Right Unit also contributed to the guidance.

All feedback from the consultation events and from other government departments has been considered and where appropriate has been included into the guidance.

## ***Who will it affect?***

Bullying behaviour may be related to any perceived or actual differences or prejudice-based behaviours including racism, sexism, disability or homophobia; and may compound other difficulties in a child's life. We are aware that children and young people with a protected characteristic may experience barriers to their learning.

Bullying can have short and long term effects on the physical and mental wellbeing of children and young people. Bullying can impact upon a child or young person's aspirations, confidence, relationships, resilience, participation, attainment and quality of life.

We expect that all local authorities have an anti-bullying policy that covers all of their schools/establishments and each school/establishment should develop and implement an anti-bullying policy on all bullying including prejudice-based bullying, in line with this. This guidance will be clear that it is for **all** those working with children and young people.

The refreshed national approach sets out a common vision and aims to make sure that work across all agencies and communities is consistently and coherently contributing to a holistic approach to anti-bullying in Scotland.

To support this we have established and wholly fund *respectme*, a national anti-bullying service, to build confidence and capacity to address bullying effectively, aligned to the national approach to anti-bullying in Scotland. The anti-bullying service will **support all service providers** who are involved in the lives of children including local authorities, schools, residential care establishments, youth organisations and sports clubs to give them practical skills and confidence to deal with children who are bullied and those who bully others. A priority for this service will continue to be a holistic and inclusive approach to anti-bullying which include prejudice-based bullying and takes consideration of all the protected characteristics.

The anti-bullying service will continue to provide free anti-bullying training to adults across Scotland, and work with organisations at a local and strategic level to develop and review anti bullying policies and practices. The anti-bullying service will also continue to campaign to raise awareness of bullying and related issues and the impact this can have on individuals, communities and society as a whole.

### ***What might prevent the desired outcomes being achieved?***

For the guidance to be effective and deliver the desired outcomes, partnerships will need to be developed and engagement with key stakeholders, staff, practitioners and agencies will need to take place. Good leadership, communication, staff development and engagement with children and young people, parents and carers and practitioners who have experience working in this area, will be required to enable the refreshed National Approach to be implemented across all groups working with children and young people.

Lack of engagement from key stakeholders both in the working group and as part of the wider consultation would prevent the desired outcomes from being achieved.

Indeed there have been a number of delays to the publication of the refreshed guidance. Initially we proposed to publish *Respect for All: The National Approach to Anti-bullying for Scotland's Children and Young People* and *Included, Engaged and Involved Part 2: A Positive Approach to Preventing and Managing School Exclusions* at the same time. Both documents are part of a suite of documents published by the Health and Wellbeing Unit and were initially due to be published prior to the pre-election period in 2016. However, a decision was made to postpone this launch to allow us to highlight the importance of both guidance

documents and recognise the value of embedding positive relationship and behaviour approaches across local authorities, schools and all organisations working with children and young people.

In addition, in July 2016, The Supreme Court judgment found that the information sharing provisions in relation to the Named Person Service in Part 4 of the Children and Young People (Scotland) Act 2014 (the 2014 Act) were incompatible with Article 8 of the European Convention on Human Rights and that changes were needed to make those provisions compatible with Article 8. Within the guidance there were specific references to the named person so a decision was made to delay the publication further.

Further to this, following the Scottish Parliament's Equalities and Human Right Committee which met in November 2016 to discuss and harassment of children and young people in schools. The Committee took evidence from *respectme*, Time for Inclusive Education (TIE) campaign, LGBT Youth Scotland, NSPCC, Coalition for Racial Equality and Rights (CRER), Rape Crisis Scotland and Inclusion Scotland. The Committee also heard from:

- Dr Kay Tisdall, Professor of Childhood Policy and Co-Director, Centre for Research on Families and Relationships, University of Edinburgh;
- Bill Ramsay, Convener of the Equality Committee, The Educational Institute of Scotland (EIS)
- Dr Rowena Arshad, Head, Moray House School of Education, University of Edinburgh;
- Dr Gillean McCluskey, Scottish Council of Deans of Education.

Following the meeting, Christina McKelvie MSP wrote to the Deputy First Minister to ask him to consider putting the publication of the National Approach on hold, to allow the Committee to input into this process in a meaningful way. The Deputy First Minister wrote to the Convener to accept her request and outline that he would like to seek the Committee's input before publication. The Committee heard further evidence in January 2017 from:

- Association of Directors of Education in Scotland,
- Education Scotland
- Scottish Catholic Education Service
- Scottish Council of Independent Schools

Following this the committee wrote to the Deputy First Minister with suggestions. These have been considered and incorporated into the guidance where appropriate.

## Stage 1: Framing

There are a number of recent reports published around anti bullying that are relevant for the working group to consider.

The National Approach working group has wide representation and the group recognise the recent *respectme* research *Bullying in Schools 2014* which provides us with the information to help develop effective policy and practice around bullying. The research gathered the views of around 8000 children and young people aged between 8 and 19 yrs. Three focus groups also took place with 45 young people to obtain a more detailed insight into children and young people's experience of bullying. The principle aim of the Bullying in Schools 2014 research was to obtain a picture of how children and young people were experiencing bullying in 2014, no specific questions around the Protected Characteristics were asked.

The latest national policy on relationships and behaviour, better relationships, better learning, better behaviour contains priority actions that support local authorities and schools to further improve relationships and behaviour in their learning communities. This is central to the delivery of Curriculum for Excellence (CfE) and the implementation of Getting it Right For Every Child (GIRFEC). This research will also be considered.

In addition, the Equality and Human Rights Commission (EHRC) recently published *The EHRC commissioned LGBT Youth Scotland and respectme* to carry out the research. The EHRC has asked the National Approach review group to consider the findings and recommendations and where appropriate, include in the revised National Approach.

The **Equality and Human Right Commission** published **Technical Guidance** which outlines the requirements of the Equality Act 2010 for schools in relation to the provision of education and access to benefits, facilities or services, both educational and non-educational. It provides an authoritative, comprehensive and technical guide to the detail of the law.

### **The guidance states:**

*‘Schools must also ensure that any policies that are designed to protect pupils do so without discrimination. The Act does not cover pupil-to-pupil bullying, but a school is required to ensure that it does not discriminate in the way in which it deals with bullying in school. Bullying because of a protected characteristic should be dealt with very seriously and there should be no differentiation between the seriousness with which a school deals with bullying for reasons arising from a protected characteristic and the bullying for reasons not connected with a protected characteristic’.*

### **The guidance further states:**

*“The harassment provisions of the Act do not protect pupils from harassment by other pupils. However, the provisions on discrimination mean that **schools have an obligation to ensure that bullying by pupils that is related to a protected characteristic is treated with the same level of seriousness as any other form of bullying**”.*

The protected characteristics under the schools provisions are:

- Disability
- Gender reassignment
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

In 2012, LGBT Youth Scotland undertook a **survey on Life in Scotland for LGBT young people**, aged 13-25 (there were 273 young people who responded). The survey revealed that LGBT young people identified **education as the environment where they faced the most discrimination**.

In October 2014, YouGov polling released by Stonewall Scotland reports that **teachers are failing to tackle homophobic bullying in Scotland’s schools**. *The Teachers’ Report 2014* reveals that across the UK nine in ten primary school staff (89 per cent) and more than four in five secondary school staff (83 per cent) have not received any specific training on how to tackle homophobic bullying

The YouGov **survey questioned 122 primary staff and 138 secondary staff** in Scotland as part of a survey of 1,832 primary and secondary teachers and non-teaching staff across Britain. **This is a very small sample** (less than 1%), there are 51,078 teachers in Scotland.

These reports highlighted very important issues but due to the small numbers of responses received these reports were not considered individually as part of this refresh. However, these reports and also report from EHRC were considered as part of the Equality and Human Rights Commission (EHRC) **Prejudice-based bullying in Scottish schools: A research report.**



## Stage 2: Data and evidence gathering, involvement and consultation

Include here the results of your evidence gathering (including framing exercise), including qualitative and quantitative data and the source of that information, whether national statistics, surveys or consultations with relevant equality groups.

Characteristic <sup>2</sup>	Evidence gathered and Strength/quality of evidence	Source	Data gaps identified and action taken
<b>AGE</b>	Not relevant for schools	N/A	N/A
<b>DISABILITY</b>		<p>The Equality and Human Right Commission - Technical Guidance</p> <p>EHRC:Prejudice-based bullying in Scottish schools: a research report This research report outlines the available research on bullying in relation to each protected characteristic as well as research undertaken across Scotland with pupils, teachers, and local authority (LA) staff through surveys, focus groups and interviews. The work included a desk-based review of LA anti-bullying policies, and research on prejudice-based bullying. It also</p>	ENABLE involved in working group

<sup>2</sup> Refer to Definitions of Protected Characteristics document for information on the characteristics

		refers to research on prejudice-based bullying undertaken by other organisations such as Stonewall Scotland and CRER.	
<b>SEX</b>	Sexist abuse towards other pupils in the classroom and around the school (secondary) Sexist abuse towards staff in the classroom and around the school (secondary)	Behaviour in Scottish Schools research 2012  Behaviour in Scottish Schools research 2012 <sup>3</sup>  EHRC:Prejudice-based bullying in Scottish schools: a research report  The Equality and Human Right Commission - Technical Guidance	Shared draft guidance with EHRC
<b>PREGNANCY AND MATERNITY</b>	Data not collected	N/A	
<b>GENDER REASSIGNMENT</b>		EHRC:Prejudice-based bullying in Scottish schools: a research report  The Equality and Human Right Commission - Technical Guidance	Discussed language, terminology and draft guidance with LGBT Youth Scotland and Stonewall Scotland as well as the EHRC.

<sup>3</sup>Please note that BiSSR 2016 was published in December 2017 so was not considered by the working group

<b>SEXUAL ORIENTATION</b>	Homophobic bullying towards pupils in the classroom and around the school (secondary)	Behaviour in Scottish Schools research 2012 <sup>4</sup>  EHRC:Prejudice-based bullying in Scottish schools: a research report  The Equality and Human Right Commission - Technical Guidance	Discussed language, terminology and draft guidance with LGBT Youth Scotland and Stonewall Scotland as well as the EHRC.  This has also been discussed with the Time for Inclusive Education (TIE) campaign in the later stages of the process.
<b>RACE</b>	Racist abuse towards other pupils in the classroom and around the school (secondary) Racist abuse towards staff in the classroom and around the school (secondary)	Behaviour in Scottish Schools research 2012  Behaviour in Scottish Schools research 2012 EHRC:Prejudice-based bullying in Scottish schools: a research report  The Equality and Human Right Commission - Technical Guidance	Discussed language, terminology and draft guidance with Equality Unit as well as the EHRC. CRER were also involved in the final stages and a draft version of the guidance was shared with them for comment.
<b>RELIGION OR BELIEF</b>	Data not collected	EHRC:Prejudice-based bullying in Scottish schools: a research report  The Equality and Human Right Commission - Technical Guidance	N/A

<sup>4</sup>Please note that BiSSR 2016 was published in December 2017 so was not considered by the working group

<p><b>MARRIAGE AND CIVIL PARTNERSHIP</b>          (the Scottish Government does not require assessment against this protected characteristic unless the policy or practice relates to work, for example HR policies and practices - refer to Definitions of Protected Characteristics document for details)</p>	<p>Not relevant for schools</p>	<p>N/A</p>	<p>N/A</p>
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As part of the evidence gathering, we will also refer to the following resources and journals:

- Sercombe, Howard:Donnelly, Brian Journal of Youth Studies
- L Bowes – British Medical Journal
- Cyberbullying: Bullying in the Digital Age, 2<sup>nd</sup> edition Robin M. Kowalski
- Bullying in schools 2014 (*respectme*)
- Relevant Education Scotland resources

### Stage 3: Assessing the impacts and identifying opportunities to promote equality

Having considered the data and evidence you have gathered, this section requires you to consider the potential impacts – negative and positive – that your policy might have on each of the protected characteristics. It is important to remember the duty is also a positive one – that we must explore whether the policy offers the opportunity to promote equality and/or foster good relations.

#### Do you think that the policy impacts on people because of their age?

Age	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation	N/A	N/A	N/A	Not relevant for schools
Advancing equality of opportunity	x			<ul style="list-style-type: none"> <li>• Respect for All will set out a common vision and aims to make sure that work across all agencies and communities is consistently and coherently contributing to a whole school approach to anti-bullying in Scotland.</li> <li>• We are aware that an inclusive approach affords all children and young people the opportunity to be part of a community, boosting their emotional wellbeing and aiding the development of social skills.</li> </ul>
Promoting good relations among and between different age groups	x			<ul style="list-style-type: none"> <li>• We want all children and young people to be included fully in their learning and for all children and young people to learn tolerance, respect, equality and good citizenship to address and prevent prejudice.</li> <li>• Diversity and equality are at the heart of policies that underpin school education in Scotland – including Curriculum for Excellence; Additional Support for Learning; and Getting it Right for Every Child.</li> </ul>

**Do you think that the policy impacts disabled people?**

<b>Disability</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation	√			<p>One of the key messages threaded throughout the document will be the promotion of positive behaviour through whole school ethos and values. The guidance will provide a holistic framework for all adults working with children and young people to address all aspects of bullying including prejudice-based bullying.</p> <p>Through 'Respect for All' children and young people will be encouraged to value diversity, be respected, and develop respectful relationships, built on mutual trust and understanding.</p> <p>The document is also clear about the Equality Act and prejudice-based bullying and the roles and expectations of schools and all adults working with children and young people have in relation to the duties under the Equality Act.</p>
Advancing equality of opportunity	√			As above
Promoting good relations among and between disabled and non-disabled people	√			As above

**Do you think that the policy impacts on men and women in different ways?**

Sex	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination	√			<p>One of the key messages threaded throughout the document will be the promotion of positive behaviour through whole school ethos and values. The approach taken within this document is one of an inclusive and holistic approach. Through 'Respect for All' children and young people will be encouraged to value diversity, be respected, and develop respectful relationships, built on mutual trust and understanding.</p> <p>The document is also clear about the Equality Act and prejudice-based bullying and the roles and expectations of schools and all adults working with children and young people have in relation to the duties under the Equality Act.</p>
Advancing equality of opportunity	√			As above
Promoting good relations between men and women	√			As above

**Do you think that the policy impacts on women because of pregnancy and maternity?**

<b>Pregnancy and Maternity</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination			√	
Advancing equality of opportunity			√	
Promoting good relations			√	

**Do you think your policy impacts on transsexual people?**

<b>Gender reassignment</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination	√			<p>One of the key messages threaded throughout the document will be the promotion of positive behaviour through whole school ethos and values. Through 'Respect for All' children and young people will be encouraged to value diversity, be respected, and develop respectful relationships, built on mutual trust and understanding.</p> <p>The document is also clear about the Equality Act and prejudice-based bullying and the roles and expectations of schools and all adults working with children and young people have in relation to the duties under the Equality Act.</p>



Advancing equality of opportunity	√			As above
Promoting good relations	√			As above

**Do you think that the policy impacts on people because of their sexual orientation?**

<b>Sexual orientation</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination	√			<p>One of the key messages threaded throughout the document will be the promotion of positive behaviour through whole school ethos and values. Through 'Respect for All' children and young people will be encouraged to value diversity, be respected, and develop respectful relationships, built on mutual trust and understanding.</p> <p>The document is also clear about the Equality Act and prejudice-based bullying and the roles and expectations of schools and all adults working with children and young people have in relation to the duties under the Equality Act.</p>
Advancing equality of opportunity	√			As above
Promoting good relations	√			As above

**Do you think the policy impacts on people on the grounds of their race?**

Race	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination	√			<p>One of the key messages threaded throughout the document will be the promotion of positive behaviour through whole school ethos and values. Through 'Respect for All' children and young people will be encouraged to value diversity, be respected, and develop respectful relationships, built on mutual trust and understanding.</p> <p>The document is also clear about the Equality Act and prejudice-based bullying and the roles and expectations of schools and all adults working with children and young people have in relation to the duties under the Equality Act.</p>
Advancing equality of opportunity	√			As above
Promoting good race relations	√			As above

**Do you think the policy impacts on people because of their religion or belief?**

<b>Religion or belief</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination	√			<p>One of the key messages threaded throughout the document will be the promotion of positive behaviour through whole school ethos and values. Through 'Respect for All' children and young people will be encouraged to value diversity, be respected, and develop respectful relationships, built on mutual trust and understanding.</p> <p>The document is also clear about the Equality Act and prejudice-based bullying and the roles and expectations of schools and all adults working with children and young people have in relation to the duties under the Equality Act.</p>
Advancing equality of opportunity	√			As above
Promoting good relations	√			As above

**Do you think the policy impacts on people because of their marriage or civil partnership?**

<b>Marriage and Civil Partnership<sup>5</sup></b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination	N/A	N/A	N/A	Not relevant for schools

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<sup>5</sup> In respect of this protected characteristic, a body subject to the Public Sector Equality Duty (which includes Scottish Government) only needs to comply with the first need of the duty (to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010) and only in relation to work. This is because the parts of the Act covering services and public functions, premises, education etc. do not apply to that protected characteristic. Equality impact assessment within the Scottish Government does not require assessment against the protected characteristic of Marriage and Civil Partnership unless the policy or practice relates to work, for example HR policies and practices.

## Stage 4: Decision making and monitoring

### ***Identifying and establishing any required mitigating action***

If, following the impact analysis, you think you have identified any unlawful discrimination – direct or indirect - you must consider and set out what action will be undertaken to mitigate the negative impact. You will need to consult your legal team in SGLD at this point if you have not already done so.

Have positive or negative impacts been identified for any of the equality groups?	N/A
Is the policy directly or indirectly discriminatory under the Equality Act 2010 <sup>6</sup> ?	N/A
If the policy is indirectly discriminatory, how is it justified under the relevant legislation?	N/A
If not justified, what mitigating action will be undertaken?	N/A

### ***Describing how Equality Impact analysis has shaped the policy making process***

***Respect for All will aim to provide an overarching framework and context for all anti-bullying work that is undertaken in Scotland. It is expected that organisations and local authorities will develop their own anti-bullying policy and guidance, within the wider context of relationships and behaviour, based on Respect for All. Respect for All will encourage a proactive and inclusive approach to anti-bullying policy and guidance development and will be clear that children and young people and parents and carers should be involved in the process.***

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<sup>6</sup> See EQIA – Setting the Scene for further information on the legislation.

***Prejudice-based bullying will be at the forefront of the document and will include protected characteristics and other prejudices which are not listed in the Equality Act 2010. The guidance will be clear that all the protected characteristics should be treated with equal importance.***

In this section, set out a narrative that describes how the equality impact analysis has shaped and informed your policy development. Include, for example:

- ◆ Explaining whether any changes have been made to the policy as a result of the impact analysis and clearly identifying those changes. Or, explaining why no changes have had to be made.
- ◆ Describing any new steps that have been / will be taken as a result of the data and evidence gathered through the EQIA process, for example: adding a new piece of work to ensure that the policy implementation includes ethnic minorities, or working with delivery partners to ensure they fully understand the equality impacts.
- ◆ Explaining if there have been, or will be, any implications on costs, resources etc. arising from the EQIA analysis, e.g. has the budget changed because of the EQIA?
- ◆ You should also include a paragraph on how the EQIA has helped you develop better outcomes for people and communities<sup>7</sup>.

### ***Monitoring and Review***

Each local authority is responsible for the care, safety and welfare of pupils in school in the authority area. All adults who work in schools have a responsibility to ensure the mental, emotional, social and physical wellbeing of the children and young people in their care.

There is a clear message in Respect for All what local authorities and organisational anti bullying policies should include and that all individual

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<sup>7</sup> The EHRC consider that a critical purpose of the EQIA is to achieve better outcomes for people and communities.

schools, services or clubs should develop policies that reflect organisational policy. This includes public authorities ensuring that they meet their legal obligations in relation to equality impact assessment.

We continue to fund respectme who provide direct support to local authorities, schools, youth groups and all those working with children and young people. This includes reviewing, formulating, implementing and evaluating locally relevant anti-bullying policies on which stakeholders have been consulted and providing training, information and support with guidelines, procedures and monitoring.

The guidance will be clear about the importance of recording and monitoring and why it is crucial for schools and organisations to ensure that appropriate systems are in place. The data gathered will provide local intelligence which can then be used to inform policy and practice and to appropriately direct resources, particularly where it emerges that prejudice-based bullying is prevalent.

### **Inspections:**

Education Scotland continue to provide support to schools on promoting positive relationships with children and young people, which includes support and resources around anti-bullying strategies.

The self-evaluation tool 'How Good is Our School 4' was launched in September 2015, and came into force in August 2016. This includes a safeguarding quality indicator and specific quality indicator on ensuring wellbeing, equality and inclusion. This supports schools to effectively evaluate their own practice and support self-improvement.

In addition, Scotland's "National Improvement Framework for Scottish Education" prioritises the need for improvement in children's and young people's health and wellbeing. By recording and monitoring bullying incidents at a local level, establishments will be able to identify trends or themes emerging and where improvement can be made to support the wellbeing of all children and young people.

In this section, explain how you will monitor and evaluate this policy to measure progress on equality issues identified in the EQIA. Include information on when the monitoring and evaluation will take place, and who is responsible for undertaking it. This should be part of the regular monitoring and evaluation mechanisms you devise for your policy.

The guidance will be clear that the ethos of anti-bullying is embedded in day-to-day practices that are in step with Respect for All. The guidance will be clear that the message that bullying is never acceptable is always prevalent and continuously and consistently reinforced.

The guidance will be clear that there needs to be ownership of the anti-bullying policy at amongst those implementing and those in receipt of the policy.

The guidance is clear that the recording, monitoring and analysis of bullying is best carried out locally where it can be understood and acted upon by local organisations; as well as providing feedback on the effectiveness of anti-bullying policy and practice.

The guidance will contain clear advice about the importance of recording and monitoring all types of bullying incidents and why this is essential. Accurately recording incidents of bullying allows organisations to ensure that an appropriate response and follow up have taken place. This will help the organisation to monitor the effectiveness of its policy and practice, review and improve when appropriate and also help identify professional learning needs. Monitoring bullying incidents can also provide information on recurring patterns.

The guidance will also highlight the importance in ensuring that local authorities/schools ensure children's views are taken into account. It is suggested that questionnaires could be used to discover the nature and extent of bullying within an organisation, allowing adoption and adaptation of practice.



## Stage 5 - Authorisation of EQIA

Please confirm that:

- ◆ This Equality Impact Assessment has informed the development of this policy:

Yes  No

- ◆ Opportunities to promote equality in respect of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation have been considered, i.e:

- Eliminating unlawful discrimination, harassment, victimisation;
- Removing or minimising any barriers and/or disadvantages;
- Taking steps which assist with promoting equality and meeting people's different needs;
- Encouraging participation (e.g. in public life)
- Fostering good relations, tackling prejudice and promoting understanding.

Yes  No

- ◆ If the Marriage and Civil Partnership protected characteristic applies to this policy, the Equality Impact Assessment has also assessed against the duty to eliminate unlawful discrimination, harassment and victimisation in respect of this protected characteristic:

Yes  No  Not applicable

## **Declaration**

**I am satisfied with the equality impact assessment that has been undertaken for the refresh of the 'National Approach to Anti-bullying for Scotland's Children and Young People' and give my authorisation for the results of this assessment to be published on the Scottish Government's website.**

**Name: Andrew Bruce**

**Position: Deputy Director, Improvement, Attainment and Wellbeing Division**

**Authorisation date: 21/9/18**

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